

09533906.021202

1 Gen-Probe versus Vysis. Witness David Ward,
2 89 Quail Run Madison, Connecticut 06443.
3 THE VIDEOGRAPHER: We are now
4 on record. This is the deposition of Dr.
5 David Ward taken on behalf of the plaintiff
6 in the case of Gen-Probe, Inc. plaintiff
7 versus Vysis Inc. Case number C A 99 CV 2 66
8 8. Filed in the United States District
9 Court, Southern District of California.

10 Today's date is May 18, 2001. The time on
11 videotape record is 9: 39 a.m. This
12 deposition is held at 11 57 Chapel Street,
13 New Haven Connecticut my name is Kevin
14 Aspinwall. Would everyone please introduce
15 yourselves for the record.

16 MR. BOWEN: William Bowen for
17 plaintiff Gen-Probe Inc.

18 MR. LIPSEY: Defendant
19 defendant if I RRS.

20 Witness sworn

21 BY MR. BOWEN:.

22 Q. Would you please state your name?

23 A. David Ward.

24 Q. Dr. Ward, this deposition is being
25 taken in connection with a patent case that

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1 activities that he was involved in but I
2 didn't, I can recall whether that was his
3 title.

4 Q. Did you have an impression during
5 the period of time that you were associated
6 with Gene-Trac that Dr. Richards was
7 knowledgeable with respect to the technology
8 used by Gene-Trac?

9 A. Yes.

10 Q. He seemed knowledgeable to you
11 about nucleic acid hybridization
12 technologies?

13 A. Yes.

14 Q. Have you ever heard the term one of
15 ordinary skill in the art?

16 A. Yes.

17 Q. And do you have -- you have been an
18 expert in a fair number of patent cases is
19 that true?

20 A. Some.

21 Q. And in the course of those cases
22 have you had the term one of ordinary skill
23 in the art?

24 A. Yes.

25 Q. Based on your impression of Dr.

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1 Richards while you were associate with with
2 Gene-Trac, did you consider him to be one of
3 ordinary skill in the art in the area of
4 nucleic acid hybridization.

5 MR. LIPSEY: I object to the
6 form calls for an expert opinion.

7 A. Can you rephrase the question.

8 Q. I am not sure I can. I am asking
9 whether or not based on your impression and
10 knowledge of Dr. Richards whether you
11 considered him to be one in the ordinary
12 skill in the art of nuclear hybridization.

13 MR. LIPSEY: Same objection.

14 A. The answer is he had knowledge in
15 the area.

16 Q. I would like you to look at what
17 has been previously marked as Exhibit 45. I
18 am turning these pages only for you because
19 the notebook didn't survive the trip from
20 California too well. Sorry.

21 And this is a document Exhibit 45
22 that is entitled partnership committee
23 meeting August 27, 1987. Would you take a
24 moment and look at that please. And I would
25 like you to look at so you can tell me

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